

51027/10089
cc: Peter
Task: 5021

Form MR-REV-SMO (DOGM – Revise/Amend Change Form)
(Revised November 21, 2006)

Application to Revise a Notice of Intention to Commence Small Mining Operations or Exploration

Operator: Imerys Perlite USA, Inc. (FKA Harborlite Corporation)			
Mine Name: Black Springs Mine		File Number: E or M/ / S/270/089	
Provide a detailed listing of all changes to the Notice that will be required as a result of this change. Individually list all maps and drawings that are to be added, replaced, or removed from the Notice. Include page, section and drawing numbers as part of the description.			
DETAILED SCHEDULE OF CHANGES TO THE NOTICE			
			Description of map, text, or materials to be changed
ADD	REPLACE	REMOVE	Page 1; Section I.2
ADD	REPLACE	REMOVE	Page 2; Section I.3
ADD	REPLACE	REMOVE	Page 2; Section I.4
ADD	REPLACE	REMOVE	Page 3; Section I.6
ADD	REPLACE	REMOVE	
ADD	REPLACE	REMOVE	
ADD	REPLACE	REMOVE	
ADD	REPLACE	REMOVE	
ADD	REPLACE	REMOVE	
ADD	REPLACE	REMOVE	

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments and obligations, herein.

Jonna True
Print Name

Jonna True
Sign Name, Position Reclamation & Land Mgmt

8/15/12
Date

Return to:

State of Utah
Division of Oil, Gas and Mining
Attn: Minerals Regulatory Program
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
Phone: (801) 538-5291 Fax: (801) 359-3940

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FOR DOGM USE ONLY:	
File #: M/ /	
Approved: _____	
Bond Adjustment: from (\$) _____	
to \$ _____	

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AUG 17 2012

**STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING**

1594 West North Temple Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
Telephone: (801) 538-5291 Fax: (801) 359-3940

NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

The information requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program (R647). The rules and Act are available online at <http://www.rules.utah.gov/publicat/code/r647/r647.htm> and http://le.utah.gov/~code/TITLE40/40_08.htm.

Cultural Resources Survey: To fulfill its obligations under Utah Code Annotated 9-8-404, the Division needs cultural resource (archaeology) information. The amount and type of information required will depend on the mine location, the history of previous disturbance, and other factors. Please contact the Division for further information.

A permit fee of \$150 must accompany this application (Utah Code Ann. §40-8-7(1)(i)) and is due annually.

"Small Mining Operations" are operations which have a disturbed area of ten or fewer surface acres at any time in unincorporated areas, or five acres or fewer in incorporated areas.

I. GENERAL INFORMATION (Rule R647-3-104)

1. Name of Mine: BLACK SPRINGS MINE
2. Operator Name (Legal Name): IMERYS PERLITE USA, INC. (FKA HARBORLITE CORP)

Mailing Address: 150 E. Main Street, Suite 320

City, State, Zip: FERNLEY, NV 89408

Phone: 775/835-6266 Fax: 775/835-6550

E-mail Address: _____

Type of Business: Corporation (XX), LLC (), Sole Proprietorship (dba) ()
General Partnership (), Limited Partnership (), Individual ().

Business Entity (not individuals) must be registered (and maintain registration) with the State of Utah, Division of Corporations (DOC) If not currently registered, contact www.commerce.utah.gov to renew or apply. Business Entity #: 1194304-0143

Local Business License #: Conditional Use Permit (if required)

Issued by: County: Millard County or City: _____

3. Contact Person(s):

Registered Utah Agent (as identified with the Utah DOC) (if individual leave blank):

Name: Prentice Hall Corporation Title: Registered Agent

Address: 2180 South 1300 East, Suite 650

City, State, Zip: Salt Lake City, UT 84106

Phone: _____ Fax: _____

E-mail Address: _____

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DIV. OF OIL, GAS & MINING

I.3. Contact Person(s) (continued):

This person to be notified for: permitting (☒) surety (☒) (check all that apply)

Name: Jonna True, Agent Title: Mgr., Reclamation & Land Mgmt

Address: 2500 San Miguelito Road

City, State, Zip: Lompoc, CA 93436

Phone: 805/737-1405

Fax: 805/737-1285

Emergency, Weekend, or Holiday Phone: 541/429-2077

E-mail Address: Jonna.True@imerys.com

This person to be notified for: permitting (☐) surety (☐) (check all that apply)

Name: _____ Title: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

Emergency, Weekend, or Holiday Phone: _____

E-mail Address: _____

4. If Business is a Sole Proprietor (dba) or Individual:

Name of Owner: _____ Title: _____

Business Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail Address: _____

If Business is a Corporation:

Name of Officers: Douglas A. Smith

Title: V.P and Gen. Mgr

Name: Margaret A. Mosley

Title: Treasurer-Controller

Name: Catherine Caouette

Title: Secretary & Corp. Counsel

Name: Susan B. Radcliffe

Title: Assistant Secretary

Headquarters Address: 1732 N. First Street, Suite 450

City, State, Zip: San Jose, CA 95112

Phone: 408/643-0206

Fax: 408/643-0298

E-mail Address: Catherine.caouette@worldminerals.com

If Business is a Limited Liability Company: Member Managed (☐) Manager Managed (☐)

Name of 1st Member/Manager: _____ Title: _____

Business Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail Address: _____

Name of 2nd Member/Manager: _____ Title: _____

Business Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail Address: _____

If Business is a Partnership:

Names of Partners: _____

Business Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail Address: _____

5. **Ownership of Land Surface:**

Private (Fee) () BLM () US Forest Service ()
 State Trust Land/School Sections (xx) State Sovereign Lands ()
 Other (please describe):

Name SITLA Address 675 East 500 South #500, Salt Lake City, UT
 Name _____ Address _____
 Name _____ Address _____
 Name _____ Address _____

6. **Ownership of Minerals:**

Private (Fee) () BLM () US Forest Service ()
 State Trust Land/School Sections (xx) State Sovereign Lands ()
 Other (please describe):

Name SITLA Address 675 East 500 South #500, Salt Lake City, UT
 Name _____ Address _____
 Name _____ Address _____
 Name _____ Address _____

BLM Claim Number(s): _____
 Utah State Lease Number(s): ML-41981
 BLM/USFS Lease or Project File Number(s): _____

Name of Lessee(s): Imerys Perlite USA, Inc. (FKA Harborlite Corp) - Jonna True, Agent

7. **Have the above surface and mineral owners been notified in writing?** Yes xxx No _____
 If no, why not? _____

8. **Does the Entity have legal right to enter and conduct mining operations on the land covered by this notice?** Yes xxx No _____

Please be advised that if State Trust Lands are involved, notification to the Division of Oil, Gas and Mining alone does not satisfy the notification requirements of Mineral Leases upon State Trust Lands. Exploration or mining activity on State Trust Lands requires a minimum of 60 days notice to the Trust Lands Administration prior to commencing any activities. Please contact the School Institutional Trust Lands Administration (SITLA) at (801) 538-5508 for notification requirements.

II. **PROJECT LOCATION & MAP** (Rule R647-3-105)

1. **Project Location & Map** (legal description):

County(ies): _____
 _____ 1/4, of _____ 1/4, of NW 1/4, Section: 2 Township: 24S Range: 9W
 _____ 1/4, of _____ 1/4, of _____ 1/4, Section: _____ Township: _____ Range: _____
 _____ 1/4, of _____ 1/4, of _____ 1/4, Section: _____ Township: _____ Range: _____
 UTM East: _____ (if known) UTM North: _____ (if known)
 Name of Quad Map for Location: Cruz Utah Quad Map

2. **Is the project within an incorporated area?** () Yes (xxx) No
 If yes, what is the town or city? _____

3. **Location and Operations maps** must be plotted at a scale to accurately identify locational landmarks and operations details. All maps must include a north arrow, scale, appropriate labels, and title box including the mine name, township, range and section.
 - a. The **general location map** must be the scale of a USGS 7.5 minute series map or equivalent (1"=2000') and identify new or existing access roads.
 - b. The **operations map** (1"=200' or other scale as determined necessary by the Division) must be labeled and identify:
 - i. The area to be disturbed;
 - ii. The location of any existing or proposed operations including access roads, drill holes, trenches, pits, shafts, cuts, or other planned activities; and
 - iii. Any adjacent previous disturbance for which the operator is not responsible.(Contact the Division for a list of consultants and land surveyors for mapping assistance.)
4. The proposed (10 acres or less) disturbed area (including access/haul roads) should be marked ON THE GROUND with metal T-Posts (or with some other marker of equal effectiveness). Markers should be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.

III. OPERATION PLAN (Rule R647-3-106)

1. **Type of mining:** Surface (xxx) Underground ()
2. **Mineral(s) to be mined:** Perlite
3. **Amount of material** to be extracted, moved, or proposed to be moved: 250,000 tons over 10 yrs
4. Will any **water, liquid chemicals, reagents, or other solutions** be used, produced or discharged as part of the mining or milling process? Yes () No (xxx) If yes, please describe (add extra pages if needed):
5. Provide a brief **description of the proposed mining operation**, and onsite processing facilities (add extra pages if necessary). Mine, screen, crush and stockpile perlite ore for transportation To processing facilities. Portable crushing and screening will be used on this site.
6. (N/A) **New Road(s):** Length (ft), Width (ft)
7. (N/A) **Improved Road(s):** Describe improvements that need to be made to existing roads to access the site, including the Length (ft) and Width (ft) of new disturbances.
8. Total project surface **acreage to be disturbed:** 10 (acres) PLEASE SPECIFY **EXACT ACREAGE** (this will be used to determine surety bond amount – see #VI).
9. Proposed **startup date** (month, year): 3/1/12 (tentative)
10. Proposed **completion**, if known (month, year): UNKNOWN

IV. OPERATION AND RECLAMATION PRACTICES (Rule R647-3-107, 108 & 109)

The reclamation and operation obligation is to keep the area clean and safe, minimize hazards to public safety, return the land to a useful condition, and reestablish at least 70 percent of the premining vegetative ground cover or within practical limits. To accomplish this, the Permittee / Operator will need to perform reclamation concurrently, or at the completion (within one (1) year) of mining. Please refer to The Practical Guide to Reclamation in Utah, available at:
https://fs.ogm.utah.gov/pub/MINES/Coal_Related/RecMan/Reclamation_Manual.pdf.

1. *Keep the mining operation in a safe, clean, and environmentally stable condition.*
2. *Permanently seal all shafts and tunnels to prevent unauthorized or accidental entry.*
3. *Plug drill holes with a five foot cement surface plug. Holes that encounter fluids are to be plugged in the subsurface to prevent aquifer contamination.*
4. *Construct berms, fences, or barriers, when needed, above highwalls and excavations.*
5. *Remove, isolate, or neutralize all toxic materials in a manner compatible with federal and state regulations.*
6. *Remove all waste or debris from stream channels.*
7. *Dispose of any trash, scrap metal, wood, machinery, and buildings.*
8. *Conduct mining activities so as to minimize erosion and control sediment.*
9. *Reclaim all roads that are not part of a permanent transportation system.*
10. *Stockpile topsoil and suitable overburden prior to mining.*
11. *Stabilize highwalls by backfilling or rounding to 45 degrees or less, where feasible; reshape the land to near its original contour, and redistribute the topsoil and suitable overburden.*
12. *Properly prepare seedbed to a depth of six inches by pocking, ripping, discing, or harrowing. Leave the surface rough.*
13. *Reseed disturbed areas with adaptable species. (The Division recommends a mixture of species of grass, forb, and browse seed, and will provide a specific species list if requested.)*
14. *Plant the seed with a rangeland or farm drill, or broadcast the seed. Fall is the preferred time to seed.*

V. **VARIANCE REQUEST** (Rule R647-3-110)

Any variance must be approved writing *in advance* by the Division

Any planned deviations from Rules R647-3-107, Operation Practices, R647-3-108, Hole Plugging Requirements, or R647-3-109, Reclamation Practices, as summarized above (see IV. Operation and Reclamation Practices Item # 1-14), should be identified below listing applicable rule number. Give justification for the variance(s) and alternate methods or measures to be utilized to meet the intent of the rule. Written approval from the Division will be given, if the proposed alternative methods to be used are consistent with the Act.

Are variances being requested? Yes (☐) No (☒)

Variance Requested

Item # Applicable Rule

Justification: _____

Alternate methods or measure to be utilized: _____

Attach additional page(s) if more variances are requested.

VI. **SURETY** (Utah Code Ann. §40-8-7(1)[c])

A reclamation contract and surety must be provided to and approved by the Division prior to commencement of operations. No surface disturbance is authorized until the surety is posted and approved in writing. The surety may be provided in the form of a certificate of deposit, a letter of credit, a surety bond, or cash. Please contact the Division for further information about submitting the surety. All mining operations are required to furnish and maintain reclamation surety to guarantee that the land affected is reclaimed (Utah Code Ann. §40-8-7(1)[c]).

The reclamation surety amount is based on the nature, extent and duration of operations. The amounts are based on data from current large mine surety and are used as a general guide, along with actual site conditions. Reclamation surety for small mines is reviewed every three (3) or five (5) years and adjusted as necessary for inflation/deflation based upon acceptable Costs Index. **Contact the Division for the dollar amount required for a three (3) or five (5) year period for this project.**


CURRENT BOND IN PLACE FOR \$52,300

VIII. SIGNATURE REQUIREMENT

CERTIFICATION

I state under penalty of perjury under the laws of the state of Utah and the United States of America that:

- a. I have read this form and declare the information, statements and/or documentation are true, correct and complete to the best of my knowledge and belief; AND
- b. I commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.
- c. **This certification must be signed by:** (1.) an executive officer if the applicant is a corporation; (2.) a partner if applicant is a partnership (general or limited); (3.) the owner if applicant is a sole proprietorship; or (4.) the member or manager if applicant is a limited liability company.

Signature:  Date: 8/15/12
Name (typed or printed): Jonna True, Agent for Imerys Perlite USA, Inc. (FKA Harborlite Corp)
Title/Position (if applicable): Manager, Reclamation and Land Management

Delaware

PAGE 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "HARBORLITE CORPORATION", CHANGING ITS NAME FROM "HARBORLITE CORPORATION" TO "IMERYS PERLITE USA, INC.", FILED IN THIS OFFICE ON THE TWENTY-FIFTH DAY OF JUNE, A.D. 2012, AT 5:17 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.


AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE THIRTIETH DAY OF JUNE, A.D. 2012, AT 11:59 O'CLOCK P.M.

2315502 8100

120774668

You may verify this certificate online
at corp.delaware.gov/authver.shtml




Jeffrey W. Bullock, Secretary of State
AUTHENTICATION: 9669726

DATE: 06-26-12

**CERTIFICATE OF AMENDMENT
TO THE
CERTIFICATE OF INCORPORATION
OF
HARBORLITE CORPORATION**

Harborlite Corporation, a corporation organized and existing under and by virtue of the Delaware General Corporation Law (the "Corporation"), does hereby certify:

1. That on June 22, 2012, the Board of Directors of the Corporation adopted resolutions setting forth a proposed amendment to the Certificate of Incorporation of the Corporation, declaring said amendment to be advisable and submitting the proposed amendment to the sole stockholder of the Corporation for its consideration and approval. The proposed amendment is as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Certificate of Incorporation of the Corporation be amended by deleting Article First thereof in its entirety and replacing it with a new Article First to read as follows:

"FIRST: The name of the Corporation is Imerys Perlite USA, Inc."

2. That thereafter on June 22, 2012, said amendment was duly adopted by written consent of the sole stockholder of the Corporation in accordance with the provisions of Sections 228 and 242 of the Delaware General Corporation Law.

3. The amendment will be effective at 11:59 p.m. local time on June 30, 2012.

[Signature on following page]

State of Delaware
Secretary of State
Division of Corporations
Delivered 05:47 PM 06/25/2012
FILED 05:17 PM 06/25/2012
SRV 120774668 - 2315502 FILE

IN WITNESS WHEREOF, Harborlite Corporation has caused this Certificate of Amendment to be signed by a duly authorized officer this 22nd day of June, 2012.

HARBORLITE CORPORATION

By: Susan B. Radcliffe
Susan B. Radcliffe
Assistant Secretary